

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WILLIE C. JENKINS, JR.,

Plaintiff,

vs.

Civ. No. 99-1196 MV/WWD ACE

COUNTY OF DONA ANA, NEW MEXICO,
d/b/a DONA ANA COUNTY DETENTION
CENTER,

Defendant.

REPORT AND RECOMMENDATION

An Order Setting Settlement Conference was entered March 14, 2000. Subsequently, the settlement conference was rescheduled for November 13, 2000, by an order entered August 9, 2000. Plaintiff did not appear for the November 13th settlement conference. After Plaintiff failed to appear at his deposition on three separate occasions, an order was entered compelling him to appear for his deposition on or before October 1, 2000. Plaintiff again failed to appear for his deposition; however, Defendant finally was able to take Plaintiff's deposition on September 29, 2000. Counsel for Defendant represented that she had spoken with Plaintiff, who appears *pro se*, regarding the settlement conference scheduled for November 13, 2000, at 2:00 p.m. There is no suggestion that Plaintiff was not given notice of the conference. Plaintiff has shown an ongoing disregard for the procedures and orders of the Court, and he has failed to exercise diligence in prosecuting his claim.

Recommendation

I recommend that this cause be dismissed for failure to prosecute the claim and for failure to obey the orders of this Court. This dismissal would be proper under Fed. R. Civ. P. 41(b).


UNITED STATES MAGISTRATE JUDGE